

Notice of Allowability

Application No.

09/282,851

Applicant(s)

PARK ET AL.

Examiner

Art Unit

Guy J. Lamarre, P.E.

2133

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 14 July 2004 and 15 September 2004.
2. ☒ The allowed claim(s) is/are 63,64,66,67,69,72,73,75,76,78-80,87,88,91,97,98 and 100-108, now renumbered 1-26.
3. ☒ The drawings filed on 16 September 2002 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.


Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


Guy J. Lamarre, P.E.
Primary Examiner
1/3/05

Reasons For Allowance

Continued Examination Under 37 CFR 1.114

0. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection on 15 Sept. 2004. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission of 14 July 2004 filed has been entered.

1. This office action is in response to such Applicants' Amendment/submission.

1.1 **Claim 102** is amended. **Claims 63-64, 66-67, 69, 72-73, 75-76, 78-80, 87-88, 91, 97-98 and 100-108** remain pending.

1.2 The rejections of record to **the Claims** are withdrawn in response to Applicants' amendment.

2. Applicants' arguments of **14 July 2004** have been fully considered and are found persuasive. As a result, claims at bar are allowed.

2.1 **Claims 63-64, 66-67, 69, 72-73, 75-76, 78-80, 87-88, 91, 97-98 and 100-108** are allowable over the prior art.

2.2 The following is an Examiner's statement of reasons for the indication of allowable subject matter: Upon further review of the case, prior art, and Applicant arguments, the Examiner concluded that the prior art did not qualify as a bar under either 35 U.S.C. 102 or 35 U.S.C. 103. Such a determination was reached as a result of a sua sponte review of Applicant's arguments in the Amendment remarks of **14 July 2004**, pages 7-13.

Although reconsideration of said Amendment remarks sufficiently demonstrated that the cited prior art did not bar patentability of the claimed invention, Examiner further undertook a

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final updated art search to determine whether any other art could preclude patentability of said claimed invention.

The prior art, as exemplified by **Berrou** (US Patent No. 5,446,747), **MacNamee et al.** (US Patent No. 5,212,684), **Webster** (US Patent No. 5,307,351), discloses data processing comprising turbo coder means made up of pairs of parallel constituent encoders with code interleaver means interposed therebetween, puncturer and multiplexer means; channel interleaving; and transmitter frame segmentation wherein variable length data frame segmentation is effected based on channel quality criteria.

However, no such art was discovered that discloses frame segmentation, as claimed, wherein original input data frame is partitioned into plural sub-frames to thereby maximize efficiency.

Accordingly, the claimed invention is in a position to be allowed.

2.3 Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

3. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks, Washington, D.C. 20231

or faxed to: (703) 872-9306 for all formal communications.

Hand-delivered responses should be brought to Customer Services, 220 20th Street S., Crystal Plaza II, Lobby, Room 1B03, Arlington, VA 22202.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Guy J. Lamarre, P.E., whose telephone number is (571) 272-3826. The examiner can normally be reached on Monday to Friday from 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert De Cady, can be reached at (571) 272-3819.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-3609.

Information regarding the status of an application may also be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Guy J. Lamarre, P.E.
Primary Examiner
1/5/05
